


METROPOLITAN LIFE INSURANCE)
COMPANY,)
))
Plaintiff,)
))
v.) **CIVIL ACTION NO. 03-PWG-2422-NW**
))
MITZI DAVIS BUTLER; ET AL.,)
))
Defendant/Counter-Plaintiff and)
Third Party Plaintiff,)
))
SATURN CORPORATION and SATURN)
CORPORATION GROUP PLAN,)
))
Third Party Defendants.)

In the affidavit, counsel argues that the envelope that delivered the findings and recommendation to him was postmarked March 3, 2006, establishing the due date for objections no

earlier than March 17, 2006. On November 1, 2004, the United States District Court for the Northern District of Alabama entered a General Order requiring that “all counsel, absent good cause shown, shall register for CM/ECF Electronic Noticing (E-Noticing) and CM/ECF Electronic Filing.” The order further provides that “Service by electronic means is complete on transmission.” Despite the general order, counsel for Butler did not register for electronic notice and filing as directed and because he did not he did not receive the court’s order electronically as provided. Despite this failure to adhere to a clear direction the court has considered the objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections of defendant Mitzi Davis Butler, the court is of the opinion that the objections are due to be OVERRULED and that the magistrate judge’s findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. A separate Final Judgment will be entered simultaneously herewith.

As to the foregoing it is **SO ORDERED** this the 28th day of March, 2006.


VIRGINIA EMERSON HOPKINS
United States District Judge